

INFORMATION BULLETIN

WELFARE-TO-WORK

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TO: WELFARE-TO-WORK COMMUNITY

SUBJECT: WtW ELIGIBILITY FOR CUSTODIAL PARENTS WITH INCOME BELOW
THE POVERTY LINE

This information bulletin transmits a Department of Labor memorandum, dated March 28, 2001, regarding eligibility for custodial parents with incomes below the poverty line.

The memorandum provides eligibility qualification information under the categories of federal, State, or local public assistance; eligibility to receive food stamps; and homelessness. All of these categories were discussed at a previous training given by the San Francisco Welfare-to-Work team but were excluded from the Interim Final Regulations.

If you have any questions, please contact your program manager, at (916) 654-7799.

/S/ JIM CURTIS
Chief

Attachment

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U.S. Department of Labor

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Region 6 The Pacific-Western Region

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MEMORANDUM FOR: Welfare to Work Grantees

FROM: Armando Quiroz
Regional Administrator

SUBJECT: Welfare to Work Eligibility for Custodial Parents with Income
Below the Poverty Line

The purpose of this memorandum is to alert you to a difference between the interim final WtW regulations published on January 11, 2001 at 20 CFR 645.213(c) and the training the San Francisco Welfare to Work team gave this summer regarding determining eligibility for Custodial Parents with Incomes Below the Poverty Line. Based on the information available at the time of the training, the training indicated that a custodial parent would automatically qualify under this category if:

1. (s)he receives Federal, State, or local public assistance
2. (s)he receives or is eligible to receive Food Stamps
3. (s)he is homeless.

These conditions do not appear in the interim final regulations. Although they were proposed in initial drafts of the regulations, it was determined that since the law itself specifically makes reference to income below the poverty line, actual family income, with some exclusions, has to be determined in order for custodial parents to qualify under this criteria. Therefore, for instance, while it may very well turn out that a homeless individual qualifies based on poverty level income, (s)he cannot qualify based solely on the condition of homelessness itself.

Further, the regulation itself at 645.213(c)(2) and the preamble exclude different types of income from the calculation of family income in the following way:

The regulation excludes unemployment compensation, child support payments, and old-age and survivors benefits received under Section 202 of the Social Security Act.

The preamble, in addition to these sources of income, also indicates that cash payments under a Federal, State or local income-based public assistance program and other amounts specifically excluded by any other Federal statute for consideration as income may be excluded from the calculation of family income.

We have asked our national office to clarify this apparent contradiction between the preamble and the regulation, and it is inviting public comment on it and will consider such comments in the issuance of the final regulations. In the meantime, the regulation itself should be followed since it takes precedence over the preamble.

The provisions at section 645.213(c) goes into effect on the effective date of the regulations, i.e. April 13, 2001. Any participant enrolled into the program before April 13 under the guidance previously provided, or under a grantee's other reasonable policies for that matter, may continue to be served in the program.

If you have any questions on this directive, please contact your Grant Officer's Technical Representative.